IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

OP.No. 7964 of 2001(W)

PETITIONER:

G.JAYAKUMAR,
JAYA BHAVAN,
VENNIYOOR,
NELLIVILA P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.V.N.GOPALAKRISHNAN NAIR
SRI.G.SURARSHAN

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
HOME (SSA) DEPARTMENT,
SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER, SMT.SMITHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No. 7964 of 2001(W)

APPENDIX

ORDER ON C.M.P.NO.12894/2000 in OP.No. 7964 of 2001(W)

CLOSED.

SD/-THOTTATHIL B.RADHAKRISHNAN, JUDGE

08/06/2007

PETITIONER'S EXTS:

EXT.P1 COPY OF THE ORDER DATED 23/6/1994 NO.38646'SSA/1/94/HOME

EXT.P2 COPY OF THE LETTER NO.71577/SSA-1/94/HOME, DATED 19/12/1994

EXT.P3 COPY OF ORDER DATED 26/12/1994 G.O.RT.NO.2827/94/HOME, THIRUVANANTHAPURAM

EXT.P4 COPY OF JUDGMENT DATED 21/5/1998 IN CRIMINAL APPEAL NO.752/1995 OF HON'BLE HIGH COURT OF KERALA

EXT.P5 COPY OF THE REPRESENTATION DATED 23/10/1998 FILED BY THE PETITIONER BEFORE THE RESPONDENT.

EXT.P6 COPY OF THE ORDER NO.A1-3406/97, DATED 5/99

EXT.P7 COPY OF RT 4257/2000/DATED 25/10/2000

EXT.P8 COPY OF THE MEDICAL CERTIFICATE DATED 21/02/2001

\\TRUE COPY//

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 7964 of 2001 (W)

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Dated this the 8th day of June, 2007

J U D G M E N T

Petitioner was a police constable. Going by the impugned Ext.P7 order, on 14/05/1993 he misconducted himself by manhandling an outsider, under the influence of alcohol, while on guard duty in the police training college. He was reinstated on 08/12/1993. However, he did not join duty. Whileso, he was involved in proceedings under the Narcotic Drugs and Psychotropic Substances Act, 1988, in a case being registered against him and three others, by the officers of the Central Excise and Customs Preventive and Intelligence Unit, Thiruvananthapuram. He absconded. The Central Excise and Customs authorities came to the conclusion that the petitioner was continuously involved in illicit trafficking of narcotic drugs. A preventive detention order under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, was passed against him. He was arrested and detained in

Central Prison. While undergoing such detention, he was found guilty, convicted and sentenced to undergo rigorous imprisonment for 20 years. It also appears that the representation by the petitioner against preventive detention was rejected by the Government after consideration by the advisory committee. Thereafter, as per Ext.P4 judgment, this Court confirmed the conviction and sentence imposed on three accused persons, however, acquitting the petitioner, who was the fourth accused. A reading of Ext.P4 judgment would show that, all that the petitioner got at the hands of this Court was only an order of acquittal on benefit of doubt and, it was not a case of the petitioner coming out unblemished with a finding that the charge against him was groundless. This Court found that the prosecution had not proved the charge against the petitioner.

2. On the basis of the above said facts, I do not find any ground to interfere with Ext.P7 by which the Government granted sanction to the Director General of Police to take appropriate action to remove the petitioner from service.

Original Petition fails and the same is, accordingly, dismissed.

THOTTATHIL B.RADHAKRISHNAN
Judge

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 7964 of 2001 (W)

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J U D G M E N T

8th June, 2007